

Claims 9,18,19 and 22-30 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on February 8, 2008.

While applicant argued that the species of figures 7-13 should be included with that of figures 1-5, the examiner disagrees, as the embodiment of figures 7-13 includes the bell crank linkage for the backrest and a patentably distinct link arrangement for the front panel. For this reason, claims 9,18 and 19 have been withdrawn. It has been noted that figure 6 presents a third embodiment and that claims 22-30 have been drawn thereto.

The requirement is still deemed proper and is therefore made FINAL.

Claims 6,11,12,14-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, "of the base" should be inserted after "side panel", for clarity.

In claims 11 and 12, there is insufficient description and structure set forth to support the functional recitation of the back portion pivoting "when the seat portion is moved...". It appears that a controller or the like must be recited.

Claim 14 lacks antecedent basis for "the first and second actuators". The same applies to claim 15.

Claim 16, in reciting the movement of the front panel, fails to set forth sufficient structure and the interconnection thereof, to provide such movement.

Claim 17 lacks antecedent basis for “its pivot axis”.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4-8,10-12,16,31,32, so far as definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Blount.

Figures 1-8 show structure as claimed, including a seat portion 36,38 pivotally connected to a base portion 34,44, a back portion which is reclinable relative to the seat and the base, and an actuator 50 substantially enclosed within the base portion for changing the configuration of the chair and backrest. Note that the seat frame includes downwardly extending side panels 22. It appears that the backrest is movable relative to the seat and the base in all configurations of the chair, as the backrest utilizes “pivot arms” 68 to pivotally mount to the inner sides of the seat frame via pins 62. Note that the “inclined position” in claims 11 and 12 has not been structurally defined in term of its position relative to the other elements. Blount also discloses a movable front panel 80.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blount in view of Hale.

While the sides of the seat frame of Blount appear to be outside of those on the base, the patent to Hale (fig. 1) shows an arrangement wherein the sides of the base are outside those of the seat, and in view of this suggestion, to have formed the chair structure of Blount in such a manner, would have been well within the level of skill in the art, as such would help prevent pinching or trapping of feet and toes under the side portions as the chair is lowered.

Claims 13-15, 17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blount in view of either Bergenwall or Hayashi et al.

Both Bergenwall (figs. 1-5) and Hayashi et al (figs. 2-5, 8-10) teach the conventionality of providing a reclinable lift chair with a plurality of actuators, wherein the individual elements may be separately controlled and adjusted, as desired. In view of this suggestion, to have modified the chair of Blount by providing additional actuators, for greater versatility and occupant comfort, would have been well within the level of skill in the art.

Claims 20 and 21 are further rejected under 35 U.S.C. 102(b) as being anticipated by Knabusch et al.

Figures 1-6 show structure as claimed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heyl Jr. et al, Gaffney, Gilderbloom, Auel, Palarski, and Henderson show various features of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter R. Brown whose telephone number is 571-272-6853. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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